

Program A: Administration

Program Authorization: R.S. 42:1101 et seq. (Code of Governmental Ethics); R.S. 18:1481 et seq. (Campaign Finance Disclosure Act); R.S. 24:50 et seq. (Lobbyist Registration and Disclosure Act)

PROGRAM DESCRIPTION

The mission of the Administration Program is to administer and to enforce Louisiana's conflicts of interest legislation, campaign finance registration and reporting requirements, and lobbyist registration and disclosure laws to achieve compliance by governmental officials, public employees, candidates, and lobbyists; and to provide public access to disclosed information.

The goals of the Administration Program are:

1. Improve the level of education and awareness by public servants in order to ensure compliance with conflicts of interest standards, campaign finance disclosure requirements and lobbyist registration and disclosure requirements.
2. Improve the efficiency of the staff in handling matters to be presented to the board in a timely manner.
3. Enhance timely public access to disclosed information.
4. Ensure that elected officials respect the laws they are to uphold and are persons of integrity, sound judgment, reliability, and seriousness of purpose by detecting and deterring drug abuse.

The Administration Program provides staff support to the Board of Ethics. This includes clerical, budget, administrative, personnel, legal, educational, training, data processing, and technical support with respect to: (1) implementing a broad-based information distribution and education program; (2) rendering advisory opinions; (3) conducting field investigations and preparing investigation reports; (4) conducting public hearings; (5) defending the Board of Ethics in litigation at all state and federal levels; (6) developing, publishing, and distributing forms and information material and booklets to candidates, political committees, lobbyists, and other persons required to comport with the provision of the Campaign Finance Disclosure Act (CFDA) and Lobbyist Registration and Disclosure Act (LRDA); (7) receiving, copying, indexing, recording, and monitoring disclosure reports and related forms and materials; (8) receiving electronically filed disclosure reports through Internet or diskette; receiving, logging, indexing, and scanning all disclosure reports for Internet access; (9) auditing and related compliance examination of CFDA and LRDA reports as well as other disclosure reports filed; (10) developing and administering both adjudication and litigation procedures for redressing violations and otherwise ensuring compliance with CFDA and LRDA requirements; (11) administering the random drug testing of elected officials according to the rules adopted by the Board of Ethics; and (12) providing training and educational services to the elected officials, public employees, and the general public on the provisions of the laws administered by the Board of Ethics.

- **Ethics Activity:** The primary statutory responsibility of the Board of Ethics and, therefore, of the Administration Program is to administer and enforce Louisiana's conflicts of interest legislation. Louisiana has the nation's oldest, most comprehensive and far-reaching code of conflicts of interest standards. Louisiana's Ethics Code has been used as a model by more than 30 other jurisdictions and by the United States government. The Board of Ethics is responsible for rendering advisory opinions, receiving and investigating complaints, conducting public hearings, and imposing such remedial and disciplinary actions as may be necessary under the circumstances as otherwise permitted by law. The Board of Ethics is statutorily mandated by Section 1158 of the Ethics Code to establish the Board of Ethics Computerized Data Management System. On behalf of the board, the Administration Program provides technical support to manage and maintain the Board of Ethics Computerized Data Management System to facilitate the electronic filing and provide on-line computer access to disclosure reports filed with the Board of Ethics. All disclosure reports filed with the board are scanned so that the reports are accessible to the general public via the Internet. Also, the Administration Program is responsible for providing education material, information, training and seminars on the laws administered by the Board of Ethics to public servants, candidates, political committees, lobbyists, and the general public.
- The Board of Ethics is statutorily mandated to implement a program for the random drug testing of elected officials by Section 1116.1 of the Ethics Code. The Administration Program is responsible for administering the drug testing program in accordance with the rules promulgated by the Board of Ethics. The rules for the Board of Ethics establish guidelines to test 10% of the elected officials the first year, increasing by 5% every year thereafter. Also, the rules require that elected officials receive the note of their duty to report to a collection site by commercial delivery service. The statute mandating the random drug testing of elected officials was enacted in the 1997 Regular Legislative Session and became effective October 20, 1998. However, the constitutionality of the drug testing of elected officials was challenged successfully in the United States District Court for the Eastern District of Louisiana.
- **Campaign Finance Disclosure Activity:** The Board of Ethics serves as the Supervisory Committee for the Campaign Finance Disclosure Act (CFDA) and is responsible for administering the CFDA. Louisiana has a broad and comprehensive program requiring candidates for election to public office and political committees to periodically file campaign finance disclosure reports. The Board of Ethics is also charged with regulating the amount of contributions that may be received by candidates and committees as well as various other

campaign finance activities. The Administration Program notifies candidates and committees of their reporting requirements and provides disclosure and reporting forms. Through comprehensive audits of disclosure reports, the Administration Program monitors candidate compliance when required reports are not timely or accurately filed and institutes appropriate enforcement proceedings. The Administration Program has authority to automatically assess late fees for reports that are not timely filed. (Automatic late fees are assessed, collected, and deposited into the State Treasury, along with fines for violations of the Code of Government Ethics. In FY 1998-99, \$202,861 was deposited into the General Fund.) Other noncompliance issues are addressed through judicial enforcement. The Administration program is responsible for maintaining the campaign finance disclosure reports that are filed with the Board of Ethics, and the reports are numbered and indexed on a daily basis. The Administration Program provides access to the disclosure reports and provides copies of requested disclosure reports. The program has upgraded its technological capability to achieve Internet access of scanned and electronically filed reports. The Board of Ethics is responsible also for the administration of Section 1124 of the Code of Governmental Ethics, which requires that the governor and gubernatorial candidates and members of the Gaming Control Board file financial disclosure reports with the Board of Ethics on forms prescribed by the board and processed by Administration Program staff. The Administration Program has developed electronic filing capabilities and Internet access for the filing for such disclosure reports.

- Louisiana Elections Integrity Act Activity: The Board of Ethics is responsible for the administration and enforcement of the Louisiana Elections Integrity Act, which provides for the management of complaints with respect to certain Louisiana elections. The Administration Program provides staff support to the board as the administrator of the Louisiana Elections Integrity Program, conducts investigations and presents evidence to the board in the discharge of its responsibilities to conduct hearings. The board has statutory jurisdiction over elections in Louisiana for the offices of the governor, lieutenant governor, secretary of state, state treasurer, attorney general, commissioner of elections, commissioner of agriculture, commissioner of insurance, United States senator, United States congressman, public service commissioner, members of the State Board of Elementary and Secondary Education, and justices of the Louisiana Supreme Court.
- Lobbyist Registration and Disclosure Activity: The Board of Ethics is responsible for the interpretation, administration, and enforcement of the Louisiana Lobbyist Disclosure Act. The Administration Program is responsible for developing, publishing, and distributing reports and disclosure forms, auditing and compliance assurance measures, and instituting administrative and judicial remedial and disciplinary actions to redress statutory violations.

GENERAL PERFORMANCE INFORMATION: ETHICS ADMINISTRATION

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1994-95	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Number of advisory opinions rendered	346	398	527	294	379
Number of speaking engagements	Not available ¹	Not available ¹	40	25	54
Number of persons attending speaking engagements	Not available ¹	Not available ¹	500	400	4,343
Number of newsletters distributed	Not available ¹	Not available ¹	2,000	2,800	3,875
Number of reports and registrations scanned into data system for internet accessibility	Not applicable ²	Not applicable ²	Not applicable ²	Not applicable ²	4,830
Number of visits to internet webpage	Not applicable ²	Not applicable ²	Not applicable ²	Not applicable ²	30,960
Number of administrative hearings conducted ³	28	5	29	59	68

¹ Data for this indicator were not maintained prior to FY 1996-97.

² The webpage was created in FY 1998-99. The election of October 23, 1999, (which falls within FY 1999-00) was the first major election for which reports were viewable by the public on the agency's webpage.

³ The Board of Ethics conducts public hearings for failure to pay late fees by candidates, political action committees, and lobbyists, and for charges in connection with violations of the Code of Governmental Ethics.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2000-2001. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

The objectives and performance indicators that appear below are associated with program funding in the Base Executive Budget for FY 2000-01. Specific information on program funding is presented in the financial sections that follow performance tables.

1. (KEY) To streamline the investigation process by holding the length of time between initiation of investigations by the Board of Ethics and completion of the investigation to 120 days.

Strategic Link: This operational objective is related to the agency's Strategic Objective II.1: *To ensure that investigations initiated by the Ethics Board are completed within 120 days.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Number of matters referred to investigation ¹	225	105	225	225	110	110
K	Number of investigations completed ²	Not applicable	73	Not applicable	225	110	110
S	Number of investigations completed by deadline (120 processing days) ³	Not applicable	42	225	225	110	110
K	Percentage of investigations completed within deadline (120 processing days)	Not applicable ⁴	58% ⁵	100%	100%	100%	100%

¹ In FY 1998-99, this performance indicator was entitled "Number of investigations conducted." The indicator name was changed for FY 1999-00. The performance standards for FY 1998-99 and FY 1999-00 include fact-findings and agency head report requests. However, the actual for FY 1998-99 includes only confidential investigations ordered by the board. Continuation and recommended level values include only confidential investigations ordered by the board. This explains the variations in performance levels for this indicator.

² This is a new performance indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and does not have performance standards for FY 1998-99 and FY 1999-00. The value shown for existing performance standard is an estimate not a standard; it includes fact-findings and agency head report requests. However, the actual for FY 1998-99 includes only confidential investigations ordered by the board. Continuation and recommended level values include only confidential investigations ordered by the board. This explains the variations in performance levels for this indicator.

³ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard. The performance standard for FY 1999-00 includes fact-findings and agency head report requests. However, the actual for FY 1998-99 includes only confidential investigations ordered by the board. Continuation and recommended level values include only confidential investigations ordered by the board. This explains the variations in performance levels for this indicator.

⁴ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard.

⁵ The average length of time for investigations in FY 1998-99 was 125 days.

2. (KEY) To have 8% of all reports and registrations filed electronically.

Strategic Link: This operational objective is related to Strategic Objective III.3: *By January 1, 2000, to have 10% of all reports and registrations filed electronically.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Total number of reports and registrations filed	Not applicable ¹	6,451 ²	6,217	6,217	6,500	6,500
S	Number of reports and registrations filed electronically	Not applicable ³	67 ⁴	310	310	520	520
S	Number of reports and registrations filed in paper format	Not applicable ³	6,384 ⁵	5,907	5,907	5,980	5,980
K	Percentage of reports and registrations filed electronically	Not applicable ³	1%	5%	5%	8%	8%

¹ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard.

² FY 1998-99 actual does not include political committees required to file reports. However, that information is being maintained for FY 1999-00 and subsequent fiscal years.

³ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard.

⁴ Electronic filing was not available until 1999. This figure (67) is the number of reports filed electronically between January 1, 1999, and June 30, 1999.

⁵ The FY 1998-99 prior year actual value for this indicator reported in the Louisiana Performance Accountability system is 5,876. However, the agency reports in its FY 2000-01 operational plan that the correct yearend figure for FY 1998-99 is 6,384.

3. (KEY) To seek Board of Ethics action against candidates, political committees, and lobbyists within an average of 180 days from the late filing of reports or registration forms.

Strategic Link: This operational objective is related to the agency's Strategic Objective III.1: *To ensure that board action is sought against candidates, political committees, and lobbyists within 180 days of their respective late filings.*

Explanatory Note: Automatic late fees are assessed, collected, and deposited into the state treasury, along with fines for violations of the Code of Governmental Ethics. In FY 1998-99, a total of \$202,861 was deposited.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Number of candidates, political committees, ¹ and lobbyists required to file reports and registrations	3,623 ²	2,549	3,950 ³	3,950 ³	2,600	2,600
S	Number of reports and registrations filed late ⁴	346 ⁵	763	475	475	500	500
K	Percentage of reports and registrations filed late	Not applicable ⁶	11.8%	7.6%	7.6%	7.7%	7.7%
S	Number of late reports brought before the Board of Ethics for board action	Not applicable ⁶	35	80	80	60	60
K	Average length of time to seek board action (in days)	Not applicable ⁶	Not available ⁷	180	180	180	180

- ¹ This indicator combines two performance indicators that appeared in FY 1998-99: "Number of registered lobbyists" and "Number of candidates required to file campaign finance reports." The figures for FY 1998-99 do not include the number of political committees required to file reports. However, that information is being maintained for FY 1999-00 and following fiscal years.
- ² This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard. However, the two indicators ("Number of registered lobbyists" and "Number of candidates required to file campaign finance reports") that were aggregated for FY 1999-00 had FY 1998-99 performance standards of 523 and 3,100, respectively. When these two standards are summed, the equivalent FY 1998-99 standard is 3,623.
- ³ A major statewide election was held in October 1999. This accounts for the increased number of candidates required to file campaign finance reports during FY 1999-00.
- ⁴ This indicator combines two performance indicators that appeared in FY 1998-99: "Number of certified letters informing of late filing and imposing automatic \$50 per day penalties" and "Number of notices for late reports sent."
- ⁵ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard. However, the two indicators ("Number of certified letters informing of late filing and imposing automatic \$50 per day penalties" and "Number of notices for late reports sent") that were aggregated for FY 1999-00 had FY 1998-99 performance standards of 21 and 325, respectively. When these two standards are summed, the equivalent FY 1998-99 standard is 346.
- ⁶ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and does not have a FY 1998-99 performance standard.
- ⁷ The agency did not track data for this indicator during FY 1998-99.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1998-1999	ACT 10 1999- 2000	EXISTING 1999- 2000	CONTINUATION 2000 - 2001	RECOMMENDED 2000 - 2001	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$1,079,224	\$1,249,123	\$1,278,248	\$1,250,202	\$1,261,233	(\$17,015)
STATE GENERAL FUND BY:						
Interagency Transfers	0	0	0	0	0	0
Fees & Self-gen. Revenues	63,947	85,000	85,000	55,000	55,000	(30,000)
Statutory Dedications	0	0	0	0	0	0
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
TOTAL MEANS OF FINANCING	<u>\$1,143,171</u>	<u>\$1,334,123</u>	<u>\$1,363,248</u>	<u>\$1,305,202</u>	<u>\$1,316,233</u>	<u>(\$47,015)</u>
EXPENDITURES & REQUEST:						
Salaries	\$613,520	\$705,210	\$705,210	\$725,333	\$747,349	\$42,139
Other Compensation	28,486	51,336	51,336	30,590	30,590	(20,746)
Related Benefits	91,400	126,210	126,210	130,949	136,836	10,626
Total Operating Expenses	232,835	268,874	268,874	259,525	233,704	(35,170)
Professional Services	69,363	42,468	42,468	13,343	31,381	(11,087)
Total Other Charges	104,876	116,337	145,462	145,462	117,298	(28,164)
Total Acq. & Major Repairs	2,691	23,688	23,688	0	19,075	(4,613)
TOTAL EXPENDITURES AND REQUEST	<u>\$1,143,171</u>	<u>\$1,334,123</u>	<u>\$1,363,248</u>	<u>\$1,305,202</u>	<u>\$1,316,233</u>	<u>(\$47,015)</u>
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	23	23	23	23	22	(1)
Unclassified	0	0	0	0	0	0
TOTAL	<u>23</u>	<u>23</u>	<u>23</u>	<u>23</u>	<u>22</u>	<u>(1)</u>

SOURCE OF FUNDING

This program is funded by State General Fund and Fees and Self-generated Revenues. The Fees and Self-generated Revenues are derived from filing fees for all political action committees authorized by R.S. 18:1505: funds collected for providing copies of Campaign Finance Disclosure reports, transcripts, etc.

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$1,249,123	\$1,334,123	23	ACT 10 FISCAL YEAR 1999-2000
			BA-7 TRANSACTIONS:
\$29,125	\$29,125	0	Carry forward funds to provide for the continuation of a professional services contract for Y2K compliance
\$1,278,248	\$1,363,248	23	EXISTING OPERATING BUDGET – December 3, 1999
\$6,887	\$6,887	0	Annualization of FY 1999-2000 Classified State Employees Merit Increase
\$14,071	\$14,071	0	Classified State Employees Merit Increases for FY 2000-2001
(\$2,049)	(\$2,049)	0	Risk Management Adjustment
\$19,075	\$19,075	0	Acquisitions & Major Repairs
(\$23,688)	(\$23,688)	0	Non-Recurring Acquisitions & Major Repairs
(\$29,125)	(\$29,125)	0	Non-Recurring Carry Forwards
\$100,463	\$100,463	0	Salary Base Adjustment
(\$45,787)	(\$45,787)	0	Attrition Adjustment
\$961	\$961	0	Civil Service Fees
(\$58,606)	(\$58,606)	(1)	Continuation of reductions imposed by Executive Order MJF 99-52 in FY 00-01
(\$43,765)	(\$43,765)	0	Other Non-Recurring Adjustments - Election expenses
\$10,644	\$10,644	0	Other Adjustments - Equipment maintenance contract
\$3,904	\$3,904	0	Other Adjustments - Training series reallocations
\$30,000	\$0	0	Net Means Of Financing Substitutions - Replace Fees and Self-generated Revenue with State General Fund
\$1,261,233	\$1,316,233	22	TOTAL RECOMMENDED
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$1,261,233	\$1,316,233	22	BASE EXECUTIVE BUDGET FISCAL YEAR 2000-2001
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None

\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$1,261,233	\$1,316,233	22	GRAND TOTAL RECOMMENDED

The total means of financing for this program is recommended at 96.6% of the existing operating budget. It represents 87.8% of the total request (\$1,499,275) for this program. Significant adjustment for which funding has been reduced or eliminated include the elimination of funding for drug testing and the removal of non-recurring election expenses. Other significant changes include a means of financing substitution increasing State General Fund and reducing Fees and Self-generated Revenues due to the agency's inability to collect the Self-generated Revenues. Increase funding was provided for a equipment maintenance contract.

PROFESSIONAL SERVICES

\$30,000	Computer consultant to provide technical assistance of local area network for electronic filing of campaign finance reports
\$1,381	Legal expenses for the preparation of transcripts of hearings as required by the Appeals Courts
\$31,381	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$113,997	Computer maintenance for electronic filing and the internet
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\$113,997	SUB-TOTAL OTHER CHARGES
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Interagency Transfers:

\$3,301	Civil Service/CPTP charges
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\$3,301	SUB-TOTAL INTERAGENCY TRANSFERS
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\$117,298	TOTAL OTHER CHARGES
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ACQUISITIONS AND MAJOR REPAIRS

\$19,075	Replacement computer equipment, office equipment and office furniture
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\$19,075	TOTAL ACQUISITIONS AND MAJOR REPAIRS
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